

tate. That said Turner is now 42 years of age, and they have been married about 20 years, the wife being 38 years of age. That they have eight children now living, all under the age of twenty-one, the eldest being seventeen and the youngest about one year old. That said Turner has always been affectionate and attentive to his wife and children; is industrious and attentive in business, and until recently, he resided on the farm which was conveyed in trust for the use of his wife, but now resides on that bought from Springer; that he manages and cultivates the same, and with the proceeds has, in part, supported his family. That the above is all the property belonging to Mr. and Mrs. Turner. That the education of her children and other charges, suitable to the condition in life of her and her family and the style of living to which they have been accustomed, require a strict economy to enable them to live upon the means which they now enjoy, with the aid of said Turner, who is engaged in agricultural pursuits. That the debts which compelled said Turner to apply for the benefit of the insolvent laws, were contracted by him whilst engaged in the fishing business, which proved unprofitable, and that at the time of his application, he gave up all and every description of property possessed by him in his own right, for the benefit of his creditors.

The Chancellor delivered the following opinion upon this petition, answer and above statement of facts.]

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THE CHANCELLOR :

The court does not deem it necessary in this case to institute a comparison for the purpose of ascertaining whether the circumstances existing here bring it within the principle settled by the case of *McVey and wife vs. Taylor and others*, recently decided and reported in 3 *Md. Ch. Decisions*, 94.

The principle there decided, being that, when the aid of a court of equity is invoked to enable the husband or the assignee of the husband for value, or by operation of law, to get possession of the wife's property, the court will take care that a suitable provision is made out of the fund for the maintenance of the wife and her children, and that according to circumstances